

# OFFICE OF THE ATTORNEY GENERAL

## CASH ACCOUNT INFORMATION

JULY 2012 thru SEPTEMBER 2012

### RECEIPTS

CASE	AMOUNT	USES
LCD - ANTITRUST	\$ 774,248.45	State Treasury
Josh Mitchem, PDL Support, LLC	80,000.00	State Treasury/CE&E
US Fidelis	40,000.00	State Treasury
<b>TOTAL RECEIPTS</b>	<b>\$ 894,248.45</b>	

### DISBURSEMENTS

CASE	AMOUNT	Purposes
Brian Madsen	\$ 1,833.52	
LCD - ANTITRUST	1,190,310.99	
Josh Mitchem, PDL Support, LLC	79,812.75	
US Fidelis	40,000.00	
State Treasury -State Central Services	7,126.21	
Subtotal	1,319,083.47	State Treasury for Fees & Services
Astrazeneca	3,562,969.15	ADHS for Medicaid
Barnett	1,078.70	Got Your Back Arkansas Initiative
CashToday.Net	753.94	Cyber Crimes expenses
Children and Family Services	7.50	Litigation Expense
Communications Plus	1,090.00	Got Your Back Arkansas Initiative
Consumer Savings Direct	394.95	Litigation Expense
Dan's Transmission	3,470.14	Got Your Back Arkansas Initiative
Dey, Inc.	350.24	Litigation Expense
Eli Lilly	250,000.00	Prescription Drug Monitoring Program
Eli Lilly	6,000.00	Synthetic Drug Symposium
Fairfield Communities	10.00	Litigation Expense
Flobridge Group, LLC	6,800.00	Got Your Back Arkansas Initiative
J K Harris	4,287.64	Got Your Back Arkansas Initiative
Josh Mitchem, PDL Support, LLC	144.65	Cyber Crimes expenses
Josh Mitchem, PDL Support, LLC	42.60	Litigation Expense
MCS Credit	0.41	Cyber Crimes expenses
MCS Credit	635.02	Got Your Back Arkansas Initiative
MCS Credit	165.00	Court Filing Fees
National Resort Mart	5,811.00	Got Your Back Arkansas Initiative
Pfizer Geodon	2,538.00	Court Filing Fees
Pfizer Geodon	41.16	Travel
Pfizer Geodon	909.80	Litigation Expense
Pfizer Geodon	669.22	Travel
Pfizer Geodon	6,197.38	Cyber Crimes expenses
Pfizer Geodon	475.00	Hola! Arkansas Booth Rental
Purdue	108.36	Travel
Purdue	47.52	Litigation Expense
Safety Pro	1,135.00	Got Your Back Arkansas Initiative
Suzanne Icenhower	90.00	Litigation Expense
Williamette	1,130.00	Got Your Back Arkansas Initiative
<b>TOTAL DISBURSEMENTS</b>	<b>\$ 5,145,198.09</b>	

## **Attorney General Quarterly Report Pursuant to Act 273 of 2012**

### **Case Name of Court Order or Settlement Agreement and the amount of funds received by the Office of the Attorney General for each Court order or Settlement Agreement during the first quarter:**

*In re: TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (United States District Court for the Northern District of California.). \$774,248.45 recovered this quarter. Counsel for the Attorney General's Office worked with other State Attorneys General and opposing counsel in jointly drafting this agreement.

*State of Arkansas ex rel., Dustin McDaniel v. US Fidelis*, Case No. 4:10-cv-00378 (United States District Court for the Eastern District of Arkansas). \$40,000 recovered this quarter. Counsel for the Attorney General's Office negotiated and jointly drafted this agreement with opposing counsel. Once both sides agreed to specific language in the document it was submitted to the Court for review and approval.

*State of Arkansas ex rel. Dustin McDaniel v. Mitchum, et al.*, Case No. CV2012-391 (Pulaski County, Arkansas-5<sup>th</sup> Division). \$80,000 recovered this quarter. Counsel for the Attorney General's Office negotiated and jointly drafted these agreements with opposing counsel. Once both sides agreed to specific language in the document it was submitted to the Court for review and approval.

### **Rationale for Expenditures**

- The distributions to the State Treasury were made based upon the fact that the funds received were characterized as civil penalties or were allowed by Court order to be sent to the State Treasury. There is no specific mention of the State Treasury in the Order.
- The distributions that relate to "Got Your Back Arkansas" have been expended pursuant to the authority and obligation of the Consumer Protection Division to "promote consumer education" and "enforce" the provisions of the Arkansas Deceptive Trade Practices Act (Ark. Code Ann. §4-88-101 et seq.). The funds that were used to support these cases were from recoveries obtained in other consumer protection cases. There is no specific mention of "Got Your Back Arkansas" in the relevant Orders.
- The distribution of \$250,000 for the "Arkansas Prescription Drug Monitoring program" is to be used to fund the establishment of a prescription drug monitoring program to assist law enforcement to monitor the illegal diversion of prescription drugs, which is a significant public health problem in Arkansas. The funds that were used to support this program came from the Eli Lilly litigation, which

was a case that focused on unapproved uses of the prescription drug, Zyprexa. These unapproved uses caused significant public harm. There is no specific mention of the "Arkansas Prescription Drug Monitoring program" in this Order.

-The distribution from the Astra Zeneca case to the Arkansas Medicaid program relates to a settlement reached between the State of Arkansas and Astra Zeneca. This settlement resolved allegations that Astra Zeneca violated state law by illegally promoting their prescription drug, Seroquel. Seroquel is a drug that is covered and reimbursed by Arkansas Medicaid. Sending these funds back to Medicaid served the goal of the lawsuit.

-The distribution of \$6,000 to be used to support a conference on synthetic drugs was once again designed to assist law enforcement to monitor the illegal diversion and use of synthetic drugs, which is a new and growing public health problem in Arkansas. The funds that were used to support this program came from the Eli Lilly litigation, which was a case that focused on unapproved uses of the prescription drug, Zyprexa. These unapproved uses caused significant public harm. There is no specific mention of a synthetic drug conference in this Order.

-The rationale for other distributions are contained in the attached excel spreadsheet.

**Report of current balances of all unappropriated cash funds as of 10/15/12**

General Cash - \$12,725.91

Consumer Education and Enforcement - \$3,239,763.56

Clearing - \$66,843.15

Consumer Reimbursement -\$6,583.42

Petty Cash - \$2,500.00